

## Frequently Asked Questions about Subdivisions in Wake Forest

**Q: What classifies as a Subdivision?**

- A: The division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale, or building development (whether immediate or future) and shall include all division of land involving the dedication of a new street or a change in existing streets, but the following shall not be included within this definition nor be subject to the regulations established herein:
1. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in its subdivision regulations;
  2. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
  3. The public acquisition by purchase of strips of land for the widening or opening of streets; and
  4. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in this ordinance and the Zoning Ordinance of Wake Forest and the standards of the Wake County Health Department.

**Q: Can I subdivide a property and transfer ownership without recording a plat?**

- A: No. NC General Statute 160A-375 requires that if a city adopts an ordinance regulating the subdivision of land, any person who, being the owner or agent of the owner of any land located within the jurisdiction of that city, thereafter subdivides his land in violation of the ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under such ordinance and recorded in the office of the appropriate register of deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty.

**Q: Can I subdivide a portion of land without having street frontage?**

- A: No. Adequate and safe access must be provided when creating a subdivision. In no case shall a lot have less than 15 foot of lot frontage. Lot frontage is defined as the lot width measures at the street right-of-way line from which the lot obtains access.

**Q: Are "flag pole" lots permitted?**

- A: Yes. Flag pole lots may be allowed provided the following:
1. There is a minimum lot frontage of 15 feet when a driveway gives access to one (1) dwelling unit;
  2. There is a minimum lot frontage of 30 feet when a driveway gives access to two (2) dwelling units.

If an area proposed for a subdivision is part of a larger tract that has sufficient lot area to be re-subdivided, which the subdivider owner, has an option or legal interest in, no more than three (3)

flag pole lots shall be permitted. A new street right-of-way shall be dedicated to give access to four (4) or more lots.

**Q: What are subdivision restrictive covenants? Can they be enforced by the Town?**

A: These are private restrictions that are placed in effect by the developer of the property (parcels, lots, or tracts) during the development stages prior to the sale of such parcels, lots, or tracts. The Town of Wake Forest cannot enforce restrictive covenants or restrictions established by a private group (such as a Home Owners Association, Property Owners Association, etc).

**Q: How long does the review of a subdivision plan take? When can I expect review comments?**

A: Upon submittal, the following is the average review time:

<u>Plan Type:</u>	<u>Review Time:</u>
Master Plans:	2-3 weeks
Construction Plans:	2-3 weeks
Final Plats:	1-2 weeks
Administrative & Exempt Plats:	2-3 days

Review comments are sent by staff to the appropriate engineer or surveyor via email or fax. A red-lined review copy is provided with all comments.

***NOTE: Each individual subdivision project varies in its own complexity. There may be situations that require longer review periods than the aforementioned time table to resolve development issues that are presented.***

**Q: How should I submit a plat for review and how does the review process work?**

A: Five (5) paper copies of each plat should be submitted for review. Staff will provide written review comments to the land surveyor through fax or email. Upon completing all revisions and satisfaction from staff, three (3) mylar copies of the plat should be submitted for Town of Wake Forest staff signatures. Once signed by staff all three (3) mylars should be recorded at the Wake County Register of Deeds. Once recorded mylar copy should be returned to the Town of Wake Forest Planning Office.

**Q: Can a final subdivision plat be recorded prior to the completion of all necessary improvements?**

A: An acceptable level of improvements (i.e. utilities, road construction, etc). must be completed prior to final plat approval. Once this level of construction is met and a cost estimate of the incomplete improvements is approved by staff, the developer may provide a performance guarantee for the remaining improvements in the form of a bond, letter of credit, or cashiers check in the favor of the Town of Wake Forest and the plat will be approved.